REMARKS

Favorable reconsideration of this application as presently amended, and in light of the following discussion, is respectfully requested.

Claims 1-20 are pending in this case. Claims 1, 2, 11, and 12 have been amended by the present Amendment. Support for amended Claims 1, 2, 11, and 12 can be found in the original specification, claims, and drawings.[1] No new matter is presented.

In the outstanding Office Action, Claims 1-2, 5-8, 11-12 and 15-18 were rejected under 35 U.S.C. §103(a) as unpatentable over Orito (U.S. Patent No. 6,072,912) in view of Yamamoto et al. (U.S. Patent No. 4,841,376, hereinafter "Yamamoto") and Arimoto et al. (U.S. Patent No. 5,371,613, hereinafter "Arimoto"); Claims 3-4 and 13-14 were rejected under 35 U.S.C. §103(a) as unpatentable over Orito in view of Yamamoto, Arimoto and Barron et al. (U.S. Patent No. 5,659,355, hereinafter "Barron"); and Claims 9-10 and 19-20 were rejected under 35 U.S.C. §103(a) as unpatentable over Orito in view of Yamamoto, Arimoto and Shigeeda et al. (U.S. Patent No. 5,900,948, hereinafter "Shigeeda").

Applicants acknowledge with appreciation the courtesy of Examiner Thompson in granting an interview in this case with Applicants' representatives on April 5, 2007, during which time the issues in the outstanding Office Action were discussed as substantially summarized hereinafter and also on the Interview Summary Sheet. No agreement was reached during the interview pending a formal response to the outstanding Office Action.

In response to the rejections under 35 U.S.C. § 103(a), Applicants respectfully submit that amended independent Claims 1, 2, 11, and 12 recite novel features clearly not taught or rendered obvious by the applied references. Support for amended Claims 1, 2, 11, and 12 is found at page 21, lines 20-25 of the specification.

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[1] See the specification at page 21, lines 20-25.

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Briefly summarizing, amended independent Claim 1 is directed to an image reading device including, *inter alia*, "a photoelectric device including a plurality of pixels and provided with an empty transfer part, the empty transfer part *outputting an empty transfer level corresponding to black dummy pixels which are always shaded and are not used for reading an image*." Independent Claims 2, 11, and 12 recite a similar feature.

As stated at page 4 of the outstanding Office Action, neither Orito nor Yamamoto teaches or suggest that "the empty transfer part outputting an empty transfer level corresponds to black dummy pixels which are always shaded." In an attempt to cure this deficiency, the Office Action cites the Arimoto reference.

However, Arimoto does not teach or suggest "an empty transfer part outputting an empty transfer level corresponding to *black dummy pixels which are always shaded and are not used for reading an image*," as in Applicants' amended independent Claim 1. Page 4 of the outstanding Office Action contends that a second standard member recited in Arimoto at column 22, line 66 to column 23, line 10, is equivalent to the above-noted feature. In Arimoto, "unevenness of a video signal obtained by reading an image of an original on a platen is corrected on the basis of the first standard signal obtained by reading a first standard member having even density, and correction operation for such unevenness of the video signal is compensated by on the basis of a second standard signal obtained by reading a second standard member having even density and provided at a position different from the first standard member...."[2]

Further, as shown in Figure 4, the reference patch 301P is only read in during a sub scan operation. Specifically, a CPU 106 drives the optical system for moving the mirror 206 to the B point spaced 10 cm from the standard white plate (step 402). The CPU 106 then

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[2] See Arimoto at column 22, line 66 to column 23, line 10.

turns on the lamp 205 (step 403).[3] Next, the CPU 106 reads the data at the addresses from

4744 to 4999 of the first memory 110. This data is the read data from the reference patch

301P, and an average value Pave of the read data from those 256 pixels is calculated (step

407).[4] Because the standard member is <u>read</u> in, black dummy pixels *are not always shaded*.

Rather, the pixels are only shaded when illuminated by the lamp 205.

Accordingly, Applicants' respectfully submit that <u>Arimoto</u> fails to teach or suggest

the feature of "an empty transfer part outputting an empty transfer level corresponding to

black dummy pixels which are always shaded and are not used for reading an image."

As none of the cited references, individually or in combination, teach or suggest the

above-mentioned feature as defined in independent Claims 1, 2, 11, and 12, Applicants

respectfully submit that Claims 1, 2, 11, and 12, and all claims depending therefrom, are

patentable over the asserted references for at least the reasons stated above.[5]

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[3] See <u>Arimoto</u> at column 6 lines 60-63.
[4] See <u>Arimoto</u> at column 7 lines 8-12.
[5] MPEP § 2142 "…the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Consequently, in view of the present amendment, no further issues are believed to be

outstanding in the present application, and the present application is believed to be in

condition for formal Allowance. A Notice of Allowance for Claims 1-20 is earnestly
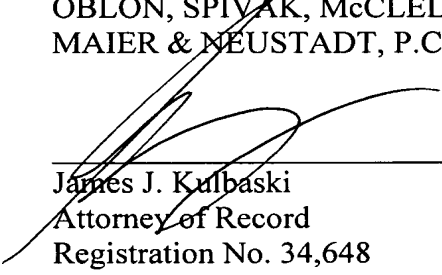
solicited.

Respectfully submitted,

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